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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/712,286	11/15/2000	Hongyong Zhang	0756-2224	4444
31780	7590	12/08/2003	EXAMINER	
ERIC ROBINSON PMB 955 21010 SOUTHBANK ST. POTOMAC FALLS, VA 20165			MUNSON, GENE M	
			ART UNIT	PAPER NUMBER
			2811	

DATE MAILED: 12/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No. <i>09/712,286</i>	Applicant(s) <i>H. ZHANG ET AL</i>
Examiner <i>G. Munson</i>	Group Art Unit <i>2811</i>

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE THREE MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

Responsive to communication(s) filed on 8 October, 14 November 2003

This action is FINAL.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 1 1; 453 O.G. 213.

Disposition of Claims

Claim(s) 1-4, 6-9, 56-71 is/are pending in the application.

Of the above claim(s) _____ is/are withdrawn from consideration.

Claim(s) _____ is/are allowed.

Claim(s) 1-4, 6-9, 56-71 is/are rejected.

Claim(s) _____ is/are objected to.

Claim(s) _____ are subject to restriction or election requirement

Application Papers

The proposed drawing correction, filed on _____ is approved disapproved.

The drawing(s) filed on _____ is/are objected to by the Examiner

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).

All Some* None of the:

Certified copies of the priority documents have been received.

Certified copies of the priority documents have been received in Application No. _____.

Copies of the certified copies of the priority documents have been received
in this national stage application from the International Bureau (PCT Rule 17.2(a))

*Certified copies not received: _____

Attachment(s)

Information Disclosure Statement(s), PTO-1449, Paper No(s). _____ Interview Summary, PTO-413

Notice of Reference(s) Cited, PTO-892 Notice of Informal Patent Application, PTO-152

Notice of Draftsperson's Patent Drawing Review, PTO-948 Other _____

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Examination is continued under 37 CFR 1.114.

Claims 1, 2, 4, 6, 7, 9, 56, 57, 59-61, 63-65, 67-69 and 71 are rejected as double patenting of the non-statutory type over claims of the Zhang et al patent No. 6,194,740, which issued from parent application, considered together with Yamamoto et al. See MPEP 804. To use optical sensors of the patent claims in a line image sensor, it would have been obvious to use an arrangement with transistors as in Yamamoto et al (Figure 3), with the optical sensors as the light detection elements, in order to achieve a line image sensor.

Claims 3, 8, 58, 62, 66 and 70 are rejected as double patenting of the non-statutory type over claims of the Zhang et al patent No. 6,194,740, and Yamamoto et al., as in the above rejection, further considered together with Ozawa. It would have been obvious to use a shift register as in Ozawa (Figure 1A) to implement a pulse generating circuit 106 as in Yamamoto et al (Figure 3).

Claims 1-4, 56-59 and 64-67 are rejected as double patenting of the non-statutory type over claims of the Zhang et al patent No. 6,194,740 considered together with Morozumi. To use optical sensors of the patent claims in an area image sensor, it would have been obvious to use an arrangement with transistors with rows and columns as in Morozumi (Figure 1), with an optical sensor connected to a transistor as is a light element 18 (Figure 3), in order to achieve an area image sensor. Furthermore, it would have been obvious to use a parallel capacitor (Figure 12) in order to store charge generated in an optical sensor (claims 1, 56).

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple

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assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a non-statutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

The references are of record.

No claim is allowed.

Any inquiry concerning this communication should be directed to G. Munson at telephone number (703) 308-4925 or 0956.

Munson

12/04/03

Gene M. Munson
GENE M. MUNSON
EXAMINER
GROUP ART UNIT 2811